

Act 739 of the 1989 Regular Session.

Act 739

HB1555

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES OF THE DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Pollution Control and Ecology for the 1989-91 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act, or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act, or its successor.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Years	
				1989-90	1990-91
(1)	9976	POL C DIRECTOR	1	\$55,000	\$56,650
(2)	199Z	POL C DEPUTY DIRECTOR	2		GRADE 26
(3)	586Z	POL CONTROL CHIEF ADMIN DIVISION	1		GRADE 25
(4)	591Z	POLLUTION CONTROL DIVISION CHIEF	9		GRADE 24
	R038	ATTORNEY SUPERVISOR	1		
(5)	909Z	PROGRAM SUPPORT MANAGER	4		GRADE 22
	X420	INSPECTION ENGINEER SUPV	9		
	D046	SYSTEMS APPLICATIONS SUPERVISOR	1		
	583Z	POL C ASST CHIEF WATER POLLUTION	1		
	588Z	POL C CHIEF ENGINEER - AIR	1		
	A032	AGENCY FISCAL MANAGER	1		
	922Z	POL C PERMIT SUPERVISOR	1		
	R036	ATTORNEY	4		
	X424	LICENSED ENGINEER	1		
(6)	X430	INSPECTION ENGINEER II	31		GRADE 21
	B032	GEOLOGIST III	4		
	B126	WATER USE & RESOURCE SPECIALIST	1		
	B012	CHEMIST SUPERVISOR	2		
	R376	POL C ENFORCEMENT ADMINISTRATOR	5		
	587Z	POL C CHIEF ECOLOGIST	1		
	R488	GRANTS ADMIN SUPV	1		
	D042	SYSTEMS ANALYST II	1		
(7)	R462	POL C PROGRAM COORD SECTION MGR	9		GRADE 20
	R460	POL C PLANNING SECTION MGR	2		
	Q120	POL C INSPECTOR SUPV	3		
	D010	DATA BASE ANALYST	1		
	D036	SR PROGRAMMER/ANALYST	1		
(8)	B010	CHEMIST II	10		GRADE 19

	R280 POL C PROGRAM COORDINATOR	7	
	B030 GEOLOGIST II	6	
	R276 POL C AIR COMPLIANCE MONITOR	1	
	X436 INSPECTION ENGINEER I	1	
	B080 POL C ECOLOGIST II	4	
	R266 MANAGEMENT PROJECT ANALYST II	2	
(9)	R264 MANAGEMENT PROJECT ANALYST I	1	GRADE 18
	Q061 POL C INSPECTOR II	25	
	Q108 POL C HAZARDOUS WASTE INSPECTOR	9	
	R136 PLANNING SPECIALIST III	5	
	D034 PROGRAMMER ANALYST	1	
	D044 SYSTEMS ANALYST/PROGRAMMER	1	
	R168 SUB-GRANT ADMINISTRATOR III	2	
(10)	R030 ASST PERSONNEL MANAGER	1	GRADE 17
	R134 PLANNING SPECIALIST II	2	
	N328 INFORMATION OFFICER II	1	
(11)	R010 ADMINISTRATIVE ASSISTANT II	8	GRADE 16
	D001 APPLICATIONS PROGRAMMER/APPL PGMR I	3	
	B008 CHEMIST I	3	
	R166 SUB-GRANT ADMINISTRATOR II	1	
(12)	A002 ACCOUNTANT I	1	GRADE 15
	N311 COMMERCIAL ARTIST I/GRAPHIC ART I	1	
(13)	R009 ADMINISTRATIVE ASSISTANT I	7	GRADE 14
(14)	K133 MANAGEMENT SUPPORT TECHNICIAN	3	GRADE 13
	C015 TELECOMMUNICATIONS OPERATOR	1	
(15)	K039 DOCUMENT EXAMINER II	2	GRADE 12
	B083 POL C TECHNICIAN	3	
(16)	K153 SECRETARY II	16	GRADE 11
(17)	K155 SECRETARY I	1	GRADE 09
		<u>228</u>	
	MAX NO. OF EMPLOYEES	228	

SECTION 2. EXTRA HELP - STATE. There is hereby authorized, for the Department of Pollution Control and Ecology - State for the 1989-91 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: ten (10) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification.

SECTION 3. EXTRA HELP - FEDERAL. There is hereby authorized, for the Department of Pollution Control and Ecology - Federal for the 1989-91 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: forty-two (42) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification.

SECTION 4. EXTRA HELP - WASTE WATER LICENSE. There is hereby authorized, for the Department of Pollution Control and Ecology - Waste Water License for the 1989-91 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: one (1) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification.

SECTION 5. EXTRA HELP - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby

authorized, for the Department of Pollution Control and Ecology - Hazardous Waste Permit Program for the 1989-91 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: two (2) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, for the appropriate classification.

SECTION 6. APPROPRIATIONS - STATE. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Department of Pollution Control and Ecology Fund Account, for personal services and operating expenses of the Department of Pollution Control and Ecology - State for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 1,616,806	\$ 1,695,091
(02) EXTRA HELP	4,465	31,730
(03) PERSONAL SERV MATCHING	367,135	398,571
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 254,994	\$ 283,857
(B) CONF. & TRAVEL	595	595
(C) PROF. FEES	0	37,384
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	255,589	321,836
TOTAL AMOUNT APPROPRIATED	\$ 2,243,995	\$ 2,447,228

SECTION 7. APPROPRIATIONS - FEDERAL. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Pollution Control and Ecology Federal Fund, for personal services and operating expenses of the Department of Pollution Control and Ecology - Federal for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 2,614,274	\$ 2,676,776
(02) EXTRA HELP	25,050	25,050
(03) PERSONAL SERV MATCHING	622,649	657,573
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 939,390	\$ 949,044
(B) CONF. & TRAVEL	35,655	35,942
(C) PROF. FEES	586,028	488,233
(D) CAPITAL OUTLAY	139,482	126,138
(E) DATA PROCESSING	7,500	8,250
TOTAL MAINT. & GEN. OPER.	1,708,055	1,607,607
(05) CONTRACTUAL SERVICES	3,000,000	8,000,000
(06) DATA PROCESSING RENTAL	31,375	31,375
TOTAL AMOUNT APPROPRIATED	\$ 8,001,403	\$ 12,998,381

SECTION 8. APPROPRIATIONS - WASTE WATER LICENSE. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from cash funds of the Department of Pollution Control and Ecology, for personal services and operating expenses of the Department of Pollution Control and Ecology - Waste Water License for the biennial period ending June 30, 1991, the following:

ITEM	FISCAL YEARS	
------	--------------	--

NO.		1989-90	1990-91
(01)	EXTRA HELP	12,350	12,659
(02)	PERSONAL SERV MATCHING	3,427	3,671
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES \$	7,103	\$ 7,103
	(B) CONF. & TRAVEL	239	239
	(C) PROF. FEES	2,532	2,532
	(D) CAPITAL OUTLAY	0	0
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	9,874	9,874
	TOTAL AMOUNT APPROPRIATED	\$ 25,651	\$ 26,204

SECTION 9. APPROPRIATIONS - LAND RECLAMATION PROJECTS. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Land Reclamation Fund, for reclamation projects of the Department of Pollution Control and Ecology - Reclamation Projects for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	RECLAMATION CONTRACTS	\$ 150,000	\$ 150,000

SECTION 10. APPROPRIATIONS - HAZARDOUS WASTE PERMIT PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Hazardous Waste Permit Fund, for personal services and operating expenses of the Department of Pollution Control and Ecology - Hazardous Waste Permit Program for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	REGULAR SALARIES	\$ 100,862	\$ 103,470
(02)	EXTRA HELP	41,477	41,477
(03)	PERSONAL SERV MATCHING	27,520	28,992
(04)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES \$	34,428	\$ 34,428
	(B) CONF. & TRAVEL	2,240	2,240
	(C) PROF. FEES	71,267	71,267
	(D) CAPITAL OUTLAY	0	0
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	107,935	107,935
	TOTAL AMOUNT APPROPRIATED	\$ 277,794	\$ 281,874

SECTION 11. APPROPRIATIONS - RECLAMATION OF ABANDONED MINES. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Abandoned Mine Reclamation Fund, for contractual services of the Department of Pollution Control and Ecology - Reclamation of Abandoned Mines for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	CONTRACTUAL SERVICES	\$ 3,000,000	\$ 3,000,000

SECTION 12. APPROPRIATIONS - SURFACE COAL MINING. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Surface Coal Mining Operation Fund, for personal services and

operating expenses of the Department of Pollution Control and Ecology - Surface Coal Mining for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	REGULAR SALARIES	\$ 27,748	\$ 28,468
(02)	PERSONAL SERV MATCHING	6,241	6,572
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES	\$ 20,675	\$ 20,675
	(B) CONF. & TRAVEL	1,311	1,311
	(C) PROF. FEES	11,394	11,394
	(D) CAPITAL OUTLAY	7,600	0
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	40,980	33,380
	TOTAL AMOUNT APPROPRIATED	\$ 74,969	\$ 68,420

SECTION 13. APPROPRIATIONS - MINING RECLAMATION. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Mining Reclamation Fund, for contractual services of the Department of Pollution Control and Ecology - Mining Reclamation for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	CONTRACTURAL SERVICES	\$ 1,000,000	\$ 1,000,000

SECTION 14. APPROPRIATIONS - FEE ADMINISTRATION. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Arkansas Department of Pollution Control and Ecology Fee Fund, for personal services and operating expenses of the Department of Pollution Control and Ecology - Fee Administration for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	REGULAR SALARIES	\$ 561,737	\$ 574,569
(02)	PERSONAL SERV MATCHING	132,240	139,452
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES	\$ 36,043	\$ 36,810
	(B) CONF. & TRAVEL	14,633	14,633
	(C) PROF. FEES	27,000	28,350
	(D) CAPITAL OUTLAY	0	0
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	77,676	79,793
(04)	DATA PROCESSING RENTAL	14,000	14,000
	TOTAL AMOUNT APPROPRIATED	\$ 785,653	\$ 807,814

SECTION 15. APPROPRIATIONS - SOLID WASTE PERFORMANCE BONDS PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Solid Waste Performance Bond Fund, for contractual services of the Department of Pollution Control and Ecology - Solid Waste Performance Bonds Program for the biennial period ending June 30, 1991, the following:

ITEM		FISCAL YEARS	
NO.		1989-90	1990-91
(01)	CONTRACTURAL SERVICES	\$ 500,000	\$ 500,000

SECTION 16. APPROPRIATIONS - HAZARDOUS WASTE CLEAN UP. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Hazardous Substance Remedial Action Trust Fund, for contractual services of the Department of Pollution Control and Ecology - Hazardous Waste Clean Up for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) CONTRACTUAL SERVICES	\$ 2,000,000	\$ 2,000,000

SECTION 17. APPROPRIATIONS - EMERGENCY RESPONSE PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Emergency Response Fund, for personal services, operating expenses and contractual services of the Department of Pollution Control and Ecology - Emergency Response Program for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) REGULAR SALARIES	\$ 20,277	\$ 20,862
(02) PERSONAL SERV MATCHING	4,894	5,194
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 15,000	\$ 15,000
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	15,000	15,000
(04) CONTRACTUAL SERVICES	280,000	280,000
TOTAL AMOUNT APPROPRIATED	\$ 320,171	\$ 321,056

SECTION 18. APPROPRIATIONS - ASBESTOS CONTROL PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Asbestos Control Fund, for operating expenses of the Department of Pollution Control and Ecology - Asbestos Control Program for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSES	\$ 26,805	\$ 26,805
(B) CONF. & TRAVEL	2,325	2,325
(C) PROF. FEES	0	0
(D) CAPITAL OUTLAY	0	0
(E) DATA PROCESSING	0	0
TOTAL MAINT. & GEN. OPER.	29,130	29,130
TOTAL AMOUNT APPROPRIATED	\$ 29,130	\$ 29,130

SECTION 19. APPROPRIATIONS - SOLID WASTE MANAGEMENT AND RECYCLING PROGRAM. There is hereby appropriated, to the Department of Pollution Control and Ecology, to be payable from the Solid Waste Management and Recycling Fund, for personal services and recycling grants of the Department of Pollution Control and Ecology - Solid Waste Management and Recycling Program for the biennial period ending June 30, 1991, the following:

ITEM	FISCAL YEARS	
------	--------------	--

NO.		1989-90	1990-91
(01)	REGULAR SALARIES	\$ 89,362	\$ 93,185
(02)	PERSONAL SERVICES MATCHING	22,032	23,676
(03)	MAINT. & GEN. OPERATION		
	(A) OPER. EXPENSES	\$ 5,956	\$ 6,373
	(B) CONF. & TRAVEL	935	1,047
	(C) PROF. FEES	0	0
	(D) CAPITAL OUTLAY	1,375	1,485
	(E) DATA PROCESSING	0	0
	TOTAL MAINT. & GEN. OPER.	8,266	8,905
(04)	RECYCLING GRANTS	2,000,000	2,000,000
	TOTAL AMOUNT APPROPRIATED	\$ 2,119,660	\$ 2,125,766
		=====	=====

SECTION 20. The Arkansas Department of Pollution Control and Ecology is hereby authorized to provide special compensation to certain employees for each full pay period (80 hours) worked in a job which requires contact with inspection sites or emergency sites or other sites where exposure to potentially hazardous substances is possible. State and Federal law and statute mandate regulatory inspection to protect the environment and the health of the citizens of the State of Arkansas. It is further recognized that many substances which may be encountered are suspected carcinogens and/or mutagens and may create harmful health effects from either short-term or long-term exposure.

This special pay is to compensate the employees for the increased risk of personal injury.

Rate of pay will be one step above regular authorized Grade and Step. Payment will be controlled through personnel actions by Administrative Services, Personnel Section. Rate of pay for individuals who work less than a full pay period (80 hours) and/or transfer to other work areas not defined above will revert to their regular authorized Grade and Step for that and subsequent pay periods. This covers employees who may be exposed to potentially hazardous substances during the daily performance of their job duties.

Eligible classifications are restricted to:

Pollution Control Inspector II  
Pollution Control Haz. Wst. Inspector  
Pollution Control Inspector Supervisor

SECTION 21. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 22. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this Act shall be in compliance with the stated reasons for which this Act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 23. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 24. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: March 21, 1989

---